



## Adult Mental Health Court Certification Application

As required by O.C.G.A. §§ 15-1-16, to receive state appropriated funds adult mental health courts must be certified by the Judicial Council of Georgia (Council). The certification process is part of an effort to ensure mental health courts are adhering to standards and practices developed by the Council. Below you will find the instructions for completing the attached Certification Application (Application) along with contact information if you have any questions or concerns.

The Application is organized by the ten essential elements that were used to develop Georgia's *Standards for Accountability Courts*. Following each essential element are the related benchmarks prescribed by the Judicial Council of Georgia, also found in Georgia's standards. The benchmarks are numbered as they are found in the Georgia standards.

For every benchmark in the Application, one or more certification requirements are listed. The requirements detail the steps your court should take to meet the adopted benchmarks. Where requested, please mark a response for each requirement. For every certification requirement, a suggested location is provided. For example, many of the certification requirements suggest that certain forms or information be contained in a policy and procedure manual. You can look at your mental health court's manual for these items or if you do not meet the requirement you can use the suggested location as a guide for implementation.

There is also a documentation section for each requirement. Please use this section to indicate if your court meets the requirement. You can also use this section to indicate if there is a supporting form or document for the requirement and to instruct the certification committee where to find the necessary attachments. For example, if you keep a list of your mental health court team members in the policy and procedure manual attach a copy of the manual and indicate a page number for the committee to review.

Certification Applications are due no later than July 31, 2013. Please consult your Mental Health Court team as necessary when completing the Application. Once you have filled out your Application and have gathered the necessary attachments, please scan and email the documents to [ACCertification@gaaoc.us](mailto:ACCertification@gaaoc.us). If you do not have the ability to scan and email, you can fax the documents to 770-342-4788.

New courts that are still in the development phase may be eligible for a waiver to receive provisional certification status. Please contact Joshua Becker for questions regarding certification waivers. Courts that receive certification or provisional certification during the 2013 application period will be eligible to receive FY 2015 and FY 2016 state funds. Courts will be required to recertify every two years to continue receiving state funding.

Please contact Joshua Becker at 404-463-6298 or [josh.becker@gaaoc.us](mailto:josh.becker@gaaoc.us) if you have any questions.

## Court Information

Please fill out the following information before submitting your Certification Application to the Administrative Office of the Courts. For contact information, please provide the best phone number and email address to contact the team member completing the Application.

**Name of Mental Health Court:** \_\_\_\_\_

**Name of Person Completing Application:** \_\_\_\_\_

**Name of Presiding Judge:** \_\_\_\_\_

**Name of Mental Health Court Coordinator:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**By signing below, I certify that the information contained in this application is accurate.**

\_\_\_\_\_  
Signature of Presiding Judge

\_\_\_\_\_  
Date

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
<b>Essential Element #1: A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.</b>		
<b>Benchmarks 1.1 – 1.4:</b> Each mental health court shall establish a multiple discipline planning committee and an advisory group to create a work plan and to monitor criteria, mechanisms and court processes. In some jurisdictions, these two groups may have the same membership. These planning and advisory groups shall have judicial leadership and shall periodically review and suggest revisions to mental health court policies and procedures.		
<b>Certification Requirement 1a:</b> A mental health court work plan should be contained in a written policy and procedure manual.	Policy and Procedure Manual, Work Plan	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 1b:</b> A written list of planning committee and/or advisory group members and their job titles shall be provided to the Judicial Council of Georgia as part of the certification process.  <b>Notes:</b> The planning committee and/or advisory group should have representation from the judiciary, prosecuting attorney's office, a defense attorney, sheriff or designated law enforcement, probation staff and a mental health clinical representative. The planning committee and/or advisory group members should meet at least semi-annually to	Policy and Procedure Manual, Work Plan	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
review policies, procedures and operations of the mental health court program.		
<b>Essential Element #2: Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses. Eligibility criteria also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered.</b>		
<b>Benchmarks 2.1 – 2.4:</b> Because mental health courts are specialized interventions that can only serve a portion of defendants with mental illness, careful attention should be paid to determining target populations. There should be a process or mechanism to enable staff to determine if there is some relationship between the participant's mental health issues and the criminal justice charges. While the mental health courts are not required to develop other interventions in their community, efforts should be made by the mental health court judge and team to encourage the development of other interventions in the community. Clinical eligibility criteria should be well defined and developed with an understanding of treatment resources and capacity in the community.		
<b>Certification Requirement 2a:</b> A listing of clinical eligibility requirements should be contained in the written policy and procedures manual.	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 2b:</b> The court shall provide a written process for screening and assessment referrals with clinical treatment providers in the community in order to determine clinical eligibility and to develop a treatment plan of the participant.  <b>Notes:</b> Such screenings and assessments shall utilize evidence based instruments that comply with the minimum required mental	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
health court treatment standards adopted by the Judicial Council of Georgia. The screening process should also utilize input from the prosecuting attorney and law enforcement officers to determine if there are facts surrounding the underlying criminal justice charge indicative of the participant's mental health issues being related in some fashion.		
<b>Certification Requirement 2c:</b> The court shall document utilization of a risk and needs assessment instrument approved by the Judicial Council of Georgia as part of the program eligibility process. <sup>1</sup>  <b>Notes:</b> The risk and needs assessment should demonstrate that the mental health court division is targeting offenders that are moderate/high risk of recidivism and that have high needs due to their mental health issues, possible co-occurring substance abuse issues and other psychosocial factors.	Policy and Procedure Manual, Copy of Risk and Needs Assessment Instrument, Statement of Assessment Used	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Benchmark 2.5:</b> Pursuant to OCGA 15-1-16 (b) (3), defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation or child molestation are ineligible for enrollment in a mental health court division except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the mental health court work plan.		
<b>Certification Requirement 2d:</b> If the court has developed a separate judicially supervised	Policy and Procedure Manual, Work Plan	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>1</sup> Recommended tools are START and LSI-R

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jail/prison reentry program or track under the umbrella of the mental health court division pursuant to OCGA 15-1-16 (b) (3), must provide the following: <ul style="list-style-type: none"> <li>• Verification that it is subject to the mental health court's written work plan <input type="checkbox"/></li> <li>• Verification that the mental health court team<sup>2</sup> participate in evaluation of the reentry program participant's suitability for such supervision and work plan requirements <input type="checkbox"/></li> </ul>		Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Element 2 Suggested Practice:</b> The court should list resources in order to assist development of a continuum of community intercept points.  <b>Notes:</b> Mental health court divisions should encourage the development of a continuum of other mental health and substance abuse services in the community criminal justice system. These would focus on other intercept points consistent with the GAINS Sequential Intercepts model. Examples would include, but not be limited to, Crisis Intervention training (CIT) for local law enforcement, jail staff and community corrections officers ( probation/parole), as well as linkage and coordination with local community hospitals, community service board mental health clinics and	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____

<sup>2</sup> The mental health court team should include the judge, prosecutor, defense attorney, community corrections supervisor (probation/parole officer) and clinician.

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
crisis stabilization units in order to offer pre-trial treatment alternatives.		
<b>Essential Element #3: Participants are identified, referred, and accepted into mental health courts, and then linked to community-based service providers as quickly as possible.</b>		
<b>Benchmarks 3.1 – 3.4:</b> Potential candidates for mental health court programming should be identified as soon as possible. Mental health court team members should educate law enforcement members, attorneys, jail staff and other judges about the mental health court program and eligibility criteria in order to foster prompt and appropriate referrals. Upon receipt of a referral, mental health court staff should promptly screen the candidate, make an appropriate referral for clinical screening and assessment and contact the prosecutor and defense counsel for review of criminal justice charge eligibility. If a potential participant has possible current mental competency issues, review of that issue and possible restoration efforts should be expedited, particularly if the defendant is accused of a misdemeanor.		
<b>Certification Requirement 3a:</b> The court shall document its process to identify and receive referrals of possible program participants from attorneys, other judges, law enforcement, jail staff and other community members.	Policy and Procedure Manual, Work Plan	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 3b:</b> The court shall outline a process to, at least annually, notify and educate law enforcement personnel, jail staff, other judges and area attorneys about program criteria and the referral mechanism.	Policy and Procedure Manual, Work Plan, Training Calendar	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 3c:</b> The court shall document the referral system used by the	Policy and Procedure Manual, Work Plan,	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
<p>treatment provider, prosecuting attorney, and defense counsel, and other parties.</p> <p><b>Notes:</b> Mental health court staff and its related treatment provider staff shall utilize appropriate screening instruments and have in place a process to make clinical referrals for needed assessments, as well as referrals for criminal justice input from both the prosecuting attorney and defense counsel, particularly relating to the facts and circumstances of the current charge as well as criminal and arrest history.</p>	Referral Forms	<p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>
<p><b>Essential Element #4: Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.</b></p>		
<p><b>Benchmarks 4.1 – 4.2:</b> Mental health courts need general program parameters for pleas, program duration, terms and completion outcomes with a program handbook document for participants. However, compared to drug court programs, these mental health court programs should be more individualized based on the particular needs and condition of the defendant, based on public safety factors, the nature of the participant's mental health condition, possible co-occurring substance abuse issues, level of functioning of the defendant and other psychosocial factors. The defendant should be made aware, verbally and in writing, of program rules and requirements before entry into the program, including possible consequences of program non-compliance. Prior to any plea being taken, a knowing and voluntary advice and waiver of rights shall be obtained from the participant, with explanation of potential effects of a conviction.</p>		
<p><b>Benchmark 4.3:</b> The length of the mental health program participation should not exceed the maximum length of incarceration or probation sentence the defendant could have received if found guilty in a traditional criminal docket case. Recognizing that a mental health court participant has more</p>		



Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
individualized program requirements, program duration and completion requirements will vary depending on a defendant's program progress, stabilization, adherence to court-ordered conditions, and connection to treatment services in the community. Minimum program length is 12 months for misdemeanors and 18 months for felonies.		
<b>Benchmarks 4.4 – 4.5:</b> Least restrictive supervision conditions, particularly for misdemeanor participants, should be considered, again tailored to the defendant's individualized treatment needs and plan and public safety factors. When a mental health court participant successfully completes the terms of the program there should be some positive legal outcome which could include but not be limited to, dismissal of charges in a pre-adjudication model, early termination of probation or reduction of a probated sentence in a post-adjudication model, waiver or reduction of fines or community service requirements. OCGA 15-1-16 prohibits the withdrawal of a plea of guilty or <i>nolo contendere</i> entered in order to enroll in a mental health court program without permission of the court.		
<b>Certification Requirement 4a:</b> The following shall be provided as part of the certification process: <ul style="list-style-type: none"> <li>• Copy of the program guidelines <input type="checkbox"/></li> <li>• Terms of program participation <input type="checkbox"/></li> <li>• Program handbook <input type="checkbox"/></li> </ul> <b>Notes:</b> Potential enrollees should be given written terms of participation and program guidelines and requirements in the form of a program handbook prior to making a decision to enroll in the mental health court. The participant's receipt of the handbook shall be acknowledged through a signed form with an executed copy placed in the court file maintained locally.	Policy and Procedure Manual, Participant Handbook	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 4b:</b> Courts shall provide evidence that misdemeanor programs last a minimum duration of 12 months and felony programs	Policy and Procedure Manual, Participant Handbook	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
last a minimum duration of 18 months.  <b>Notes:</b> Length of the term of the defendant's mental health court program participation should not exceed the maximum possible statutory sentence for the underlying charge(s).		requirement? <sup>3</sup> <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Essential Element #5: Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise.</b>		
<b>Benchmarks 5.1 – 5.4</b> In order to voluntarily enter a plea, knowingly waive rights and agree to participate in a mental health court program, a defendant has to be currently mentally competent. Particularly given the time constraints on misdemeanor sentences, the mental health court team should develop policies and practices to expedite any needed competency evaluations. A defendant seeking to participate in a mental health court program should be provided written terms of participation and program guidelines and requirements in the form of a program handbook prior to making a decision to enroll in the mental health court. The mental health court division should make available defense counsel for indigent defendants during the enrollment decision –making process, plea process and at future hearings, particularly if there is a risk of sanctions or dismissal from the mental health court program.		
<b>Certification Requirement 5a:</b> The court shall have, and produce for certification purposes, a voluntary waiver of rights forms available to all participants prior to program entry.	Policy and Procedure Manual, Copy of Waiver Form, Participant Handbook	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <sup>4</sup> <input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>3</sup> Such verification can include a listing of the maximum possible statutory penalty for the charge(s) compared to the length of program participation.

<sup>4</sup> In a post-adjudication program, written documentation of an advice of rights process with the defendant, reflecting a knowing and voluntary waiver of rights and guilty plea should be kept in the Clerk of Court file should a copy be requested as part of the certification process.

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
		Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 5b:</b> The court should have a formal policy in place for mental competency referrals.  <b>Notes:</b> The mental health court division should have a process in place to make referrals when needed for mental competency evaluations either through forensics staff of the Georgia Department of Behavioral Health or other clinician licensed in the State of Georgia to perform such evaluations	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 5c:</b> The court shall provide evidence that a defense attorney is being made available for an indigent defendant. <sup>5</sup>	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Essential Element #6: Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community. They strive to use and increase the availability of treatment and services that are evidence-based.</b>		
<b>Benchmarks 6.1 – 6.6:</b> Mental health court teams should develop access to an array of services in the community including medical and mental health services, substance abuse treatment, housing and benefits referrals, peer supports and case management. A core required list of treatment services is		

<sup>5</sup> Defense attorney should advise the defendant on mental health court program participation requirements, program enrollment decisions, legal and constitutional rights on plea decisions and for hearings where sanctions or program dismissal issues are addressed.

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
<p>identified in the mental health court treatment standards document approved by the Judicial Council of Georgia. Given varied available resources in jurisdictions across the state, each mental health court shall offer the core listed services, but should strive to access and connect with other services in the community when available. Given the high prevalence of mentally ill offenders with co-occurring substance abuse disorders, efforts should be made to develop access to substance abuse treatment providers in an effort to have integrated treatment of both the mental health and substance abuse issues. As to participants with a co-occurring substance abuse issue, drug testing according to standard 5 of the adult drug court standards should be implemented. Cultural competency training for team members should be provided and gender specific services developed where available. Case management services should be provided in order to connect participants with services and to assist in monitoring treatment plan compliance.</p>		
<p><b>Certification Requirement 6a:</b> Detail the services offered and available to a mental health court participant. Possible services may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Group counseling</li> <li>2. Individual counseling</li> <li>3. Drug testing</li> <li>4. Psychosocial rehabilitation</li> <li>5. Family support</li> <li>6. Medication management</li> <li>7. Other (please describe)</li> </ol> <p><b>Notes:</b> Treatment services provided and available to mental health court participants should be in compliance with the mental health court treatment standards list approved by the Judicial Council of Georgia.</p>	<p>Policy and Procedure Manual, Participant Handbook</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No            Title(s) of the attachment(s) _____            Relevant Page Number(s) _____</p>
<p><b>Certification Requirement 6b:</b> The court shall maintain a case management services plan.</p> <p><b>Notes:</b> Verification of a case management services plan, whether</p>	<p>Policy and Procedure Manual</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No            Title(s) of the attachment(s) _____</p>

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
delivered through probation staff, community services provider or court staff members shall be provided with a listing of the array of services provided in a written narrative form outlining which entity or agency provides particular services.		Relevant Page Number(s) _____
<b>Certification Requirement 6c:</b> Detail the community services linkages available to a mental health court participant. Possible services may include but are not limited to: <ol style="list-style-type: none"> <li>1. Employment counseling and assistance</li> <li>2. Educational component</li> <li>3. Medical and dental care</li> <li>4. Transportation</li> <li>5. Housing</li> <li>6. Mentoring and alumni groups</li> <li>7. Assistance with government funded/community based assistance programs</li> <li>8. Other (please describe)</li> </ol>	Policy and Procedure Manual, Participant Handbook	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 6d:</b> A written listing of treatment service and case management service providers shall be kept on file with the mental health treatment court.	Policy and Procedure Manual, Copy of Provider List	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 6e:</b> The court shall outline the drug testing procedures and protocols for offenders with co-occurring substance abuse issues and drug test data shall be submitted in compliance with mental health courts standard 10.5.	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
		Relevant Page Number(s) _____
<b>Essential Element #7: Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.</b>		
<b>Benchmarks 7.1 – 7.4:</b> When collecting and sharing mental health court participants' mental health and substance abuse information and treatment plans, team members shall respect the sensitivity of such information and comply with federal and state laws that protect the confidentiality of medical, mental health and substance abuse treatment records. Mental health courts shall have in place a well-designed procedure governing the release and exchange of such information and the need to respect confidentiality, with appropriate release of information forms which are knowingly and voluntarily executed by the participant. The defendant should have the opportunity to review and seek advice from counsel if he/she has any questions about such release forms, and these forms shall only be executed while in a state of current mental competency. Discussions of a defendant's mental illness should be minimized in the open, public courtroom in order to mitigate any stigma to the participant. More sensitive, yet necessary, discussions of treatment issues should be conducted in the staffing sessions. Program referral information should be kept in a secure location in order to minimize the possibility of stigma. Whenever possible and to the extent allowed by law, clinical documents and medical records should be kept in a separate clinical file separate from the public criminal case file, again to avoid chilling the prospects of a potential defendant seeking needed treatment.		
<b>Certification Requirement 7a:</b> The written policy and procedures manual shall contain a confidentiality of records and clinical information protocol that is to be followed.	Policy and Procedure Manual	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 7b:</b> The court shall maintain a letter from the presiding mental health court judge that discussions of sensitive treatment and clinical information shall be minimized in the public	Copy of Letter by Presiding Judge	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

Essential Elements Standards Benchmarks Certification Requirement	Suggested Location, if any	Documentation
<p>courtroom.</p> <p><b>Notes:</b> This will minimize the risks of stigma to the defendant and possible re-traumatization of the defendant who might be being treated for prior physical or emotional trauma.</p>		<p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>
<p><b>Certification Requirement 7c:</b> The court shall maintain release of information and consent forms.</p> <p><b>Notes:</b> The forms shall comply with appropriate state and federal laws regarding confidentiality of medical records, alcohol/substance abuse treatment records and mental health records (examples include Title 42 part 2 of the Code of Federal Regulations, 42 USC 290 dd (3) and the Health Insurance Portability and Accountability Act of 1996 “HIPAA”).</p>	<p>Policy and Procedure Manual, Copy of Forms</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>

<b>Certification Requirement 7d:</b> The court shall maintain a letter from the program coordinator that, to the extent allowed by law, the clinical, medical and treatment records of a mental health court participant are kept in a separate clinical file, not in the public Clerk of Court criminal case file.	Policy and Procedure Manual, Copy of Program Coordinator Letter	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Essential Element #8: A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.</b>		
<b>Benchmarks 8.1 – 8.5:</b> The mental health court program is made up of a collaborative team of staff from the court and other agencies with a direct role in the participant's entrance into and progress through the program. These roles include screenings and assessments, supervision, provision of treatment services, case management and planning. While the makeup of the individual team members will vary between jurisdictions, these typically include: a judge; a coordinator; prosecuting attorney; defense attorney; a case manager and/or a clinician; and a probation or supervision officer. The judge is a central figure in the overall guidance and direction of the mental health court program members, and works to foster collaboration and working relationships among the team members. There should be ongoing efforts to cross-train team members across disciplines, such that clinical team members are trained on criminal justice issues and court staff members are trained on mental health and substance abuse clinical issues. Periodically, court team members and advisory group members should review data and outcomes with discussions on program and process modifications and improvements.		
<b>Certification Requirement 8a:</b> The court shall maintain a list of all mental health court team members and their roles.	Policy and Procedure Manual, List of Team Members and Roles	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Certification Requirement 8b:</b> The court shall have in place a formal education and training process for mental health court team members.	Policy and Procedure Manual, Education and Training Plan/Process/Documents	Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No  Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No



<b>Notes:</b> Team members should attend ongoing training sessions provided by or approved for accountability court team members by either ICJE of Georgia, Georgia ICLE, the Georgia Accountability Courts Funding Committee, the Judicial Council of Georgia's Accountability Courts committee or approved national or in-house training across disciplines as approved by the Judicial Council of Georgia.		Title(s) of the attachment(s) _____ Relevant Page Number(s) _____
<b>Essential Element #9: Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.</b>		
<b>Benchmarks 9.1 – 9.7:</b> <p>The mental health court judge is to receive regular reports on the defendant's compliance with court ordered conditions, whether this is done by a probation officer, supervision officer, case manager or court appointed staff member. Such conditions will include compliance with mental health treatment and medication therapy requirements, attendance at counseling and group meetings, abstinence from and testing for drug and alcohol use, and other court ordered conditions. Multi-discipline case staffing meetings should occur regularly to review the progress and compliance of each mental health court participant. Status review hearings in a public courtroom should occur periodically to review program adherence, sanction events of non-compliance with program requirements and to ensure interaction between the participant, the judge and other court team members. A mental health court division should hold court hearings at least once a month for misdemeanor programs and at least twice a month for felony programs.</p> <p>As compared to drug courts, incentives and sanctions in a mental health court program will be more individualized based on the defendant's diagnosis, level of function and other issues. Any incentives and sanctions that may have clinical implications, such as the frequency of counseling or treatment modifications, should be imposed with great care with input from the clinician and mental health and substance abuse treatment professionals.</p> <p>In the event sanctions are necessary, the manner and nature of sanctions shall be explained to a participant prior to enrollment into the program. The court should use graduated sanctions that are individualized to maximize adherence to the defendant's conditions of release. When a participant progressively moves through phases of the mental health court program, good behavior and progress should be rewarded by incentives, praise and recognition in the public hearing setting. Courts should develop a menu of possible incentives that is at least as broad as the range of available sanctions. There shall be no indefinite time periods for sanctions, including those sanctions involving detention or incarceration.</p>		

<p><b>Certification Requirement 9a:</b> Ensure the court can indicate each team member participates in regular, periodic staffing and public status review hearings.</p> <p><b>Notes:</b> Each mental health court participant's case should be staffed by the multi-discipline court team and a public status review hearing should be held on a periodic basis in order to monitor compliance with the court-ordered conditions. These staffing and reviews shall occur at least monthly in the early stages of the defendant's participation and while held less frequently as the defendant progresses through the program, shall continue to occur periodically to ensure compliance.</p>	<p>Policy and Procedure Manual, Coordinator Updates, Case Management Tools, Etc.</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____</p>
<p><b>Certification Requirement 9b:</b> The court shall maintain a list of categories of possible incentives and sanctions that can be tailored to fit the individual participant's case plan.</p>	<p>Policy and Procedure Manual, Participant Handbook, Incentives and Sanctions List</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No Title(s) of the attachment(s) _____ Relevant Page Number(s) _____</p>
<p><b>Essential Element #10: Data are collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.</b></p>		
<p><b>Benchmarks 10.1 – 10.5:</b> In order to evaluate and sustain the mental health court program, the courts shall collect and evaluate performance measures and outcome data. These data points will consist of objective points such as numbers of program candidates screened and accepted into the program, recidivism and re-arrest numbers, drug and alcohol test outcomes, and re-admissions to state hospitals and crisis stabilization units. Further data points are listed in Judicial Council standards benchmark 10.5 and subparagraphs. Additionally, quantitative data should be complemented with subjective program evaluations from staff and participants.</p>		

The court shall compile and update its policies and procedures in a written manual in order to institutionalize the processes and to help mitigate impacts of staff turnover on the court's functions.

On an ongoing basis, court teams and advisory group members should work with state and local governing authorities, community resources, foundations and agencies to identify funding sources and sustainability. The court team should endeavor to reach out to the community through educational efforts to make the media, community leadership, civic organizations and citizens aware of the existence and impact of the mental health court program in the community.

<p><b>Certification Requirement 10a:</b> The court must have in place a written policies and procedures manual which includes but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Court program's history <input type="checkbox"/></li> <li>2. Court's goals <input type="checkbox"/></li> <li>3. Eligibility requirements <input type="checkbox"/></li> <li>4. Information sharing protocols and copies of release of information forms <input type="checkbox"/></li> <li>5. Referral and screening procedures <input type="checkbox"/></li> <li>6. Treatment resources <input type="checkbox"/></li> <li>7. Categories of possible incentives and sanctions <input type="checkbox"/></li> <li>8. Current listing of all key court team and advisory group members <input type="checkbox"/></li> </ol>	<p>Policy and Procedure Manual</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>
<p><b>Certification Requirement 10b:</b> The court shall outline and maintain a data collection protocol.</p> <p><b>Notes:</b> The protocol shall be designed to capture the data points outlined in Judicial Council standard benchmark 10.5 and subparagraphs.</p>	<p>Policy and Procedure Manual</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>
<p><b>Certification Requirement 10c:</b> The court shall outline a process to have at least an annual review of objective data and subjective participant and staff surveys by the mental health court team and advisory group in order to evaluate any needed program and policy modifications.</p>	<p>Policy and Procedure Manual</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>

<p><b>Element 10 Suggested Practice:</b> The team should outline a policy for sharing mental health court program information with the media, local officials, the community, and other stakeholders.</p> <p><b>Notes:</b> The court team should notify the media about program progress in order to better inform the citizens about the mental health court program. Community outreach, in the form of meeting with government officials, community groups and civic organizations in order to share information about the needs of the program participants and their successes is encouraged to foster community awareness and program sustainability.</p>	<p>Policy and Procedure Manual</p>	<p>Does your court meet this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is there an attachment(s) to support this requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Title(s) of the attachment(s) _____</p> <p>Relevant Page Number(s) _____</p>
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